



10 SEP 2008

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In re Application of	:	
BERGMAN, MATHIAS et al.	:	
Application No.: 10/529,871	:	DECISION ON
PCT No.: PCT/FI2003/000723	:	
Int. Filing Date: 03 October 2003	:	PETITION
Priority Date: 03 October 2002	:	
Attorney Docket No.: 014975-114	:	UNDER 37 CFR 1.181
For: TUMOR TARGETING AGENTS AND	:	
USES THEREOF	:	
	:	

This decision is in response to applicant's "REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT – NO ABANDONMENT IN FACT" filed 29 May 2007 to withdraw the holding of the abandonment of the application, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 03 October 2003, applicants filed international application PCT/FI2003/000723, which claimed priority of an earlier application filed 03 October 2002. The thirty-month period for paying the basic national fee in the United States expired on 03 April 2005.

On 01 April 2005, applicants filed national stage papers in the United States Designated/Elected (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371 (c)(1).

On 21 July 2005, the DO/EO/US mailed a Notification To Comply With Requirements For Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922), which indicated that applicants failed to meet the requirements of 37 CFR. 1.821-1.825.

On 21 September 2005, applicants filed a response to the Notification. The response included a transmittal letter, substitute paper copy of the sequence listing, a declaration pursuant

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to 37 CFR 1.821 – 1.825, and a copy of the sequence listing in computer readable form.

On 28 February 2007, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 29 May 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION


A review of the file indicated that applicants filed the response to the Notification on 21 September 2005. This is evidenced by the USPTO stamp on the return receipt postcard supplied by the applicants on 29 May 2007. Because the reply to the Notification was received within the time limit, the Notification of Abandonment was sent in error.


CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 28 February 2007 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, which includes the mailing of the NOTIFICATION OF DEFECTIVE RESPONSE (PCT/DO/EO/916) for the sequence listing submitted by the applicant.


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Richard Cole
Legal Examiner
Office of PCT Legal Administration

Attachment: Sequence Listing Error Report

=====

Sequence Listing could not be accepted due to errors.
See attached Validation Report.
If you need help call the Patent Electronic Business Center at (866)
217-9197 (toll free).
Reviewer: Anne Corrigan
Timestamp: Mon Jun 04 17:16:44 EDT 2007
=====

Reviewer Comments:

<210> 1
<211> 5
<212> PRT
<213> Artificial
<220>
<221> MISC_FEATURE
<222> (1)..(5)
<223> lactam bridge

No explanation for "<213> Artificial" is given above; "<223> lactam bridge" is not an explanation. Same error in sequence 7.

<213> Artificial

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<220>
<223> synthetic
<220>
<221> MISC_FEATURE
<222> (1)..(7)
<223> lactam bridge
<400> 3

See above example from the middle of Sequence 3: page numbers are not permitted in the computer readable form version of the sequence listing (see 1.824 of Sequence Rules); same error in Sequences 6 and 8. Please align amino acid numbers in Sequence 8.

<221> MISC FEATURE

<222> 1)..(7)

<223> lactam bridge

<400> 6

Please insert an opening parenthesis in the above <222> 1) response in Sequence 6.

<223> ornithie

<400> 9

"Ornithine" is misspelled in Sequence 9 (above).

Application No: 10529871

Version No: 1.0

Input Set:

Output Set:

Started: 2007-06-01 16:03:27.786

Finished: 2007-06-01 16:03:29.010

Elapsed: 0 hr(s) 0 min(s) 1 sec(s) 224 ms

Total Warnings: 15

Total Errors: 5

No. of SeqIDs Defined: 10

Actual SeqID Count: 10

Error code	Error Description
W 213	Artificial or Unknown found in <213> in SEQ ID (1)
E 224	<220>, <223> section required as <213> has Artificial sequence or Unknown in SEQID (1)
W 213	Artificial or Unknown found in <213> in SEQ ID (2)
E 249	Order Sequence Error <223> -> <222>; Expected Mandatory Tag: <400> in SEQID (2)
W 213	Artificial or Unknown found in <213> in SEQ ID (3)
W 213	Artificial or Unknown found in <213> in SEQ ID (4)
W 213	Artificial or Unknown found in <213> in SEQ ID (5)
W 213	Artificial or Unknown found in <213> in SEQ ID (6)
E 257	Invalid sequence data feature in <221> in SEQ ID (6)
W 213	Artificial or Unknown found in <213> in SEQ ID (7)
E 224	<220>, <223> section required as <213> has Artificial sequence or Unknown in SEQID (7)
W 213	Artificial or Unknown found in <213> in SEQ ID (8)
W 112	Upper case found in data; Found at position(0) SeqId(8)
W 112	Upper case found in data; Found at position(11) SEQID(8)
W 112	Upper case found in data; Found at position(12) SEQID(8)
W 112	Upper case found in data; Found at position(14) SEQID(8)
W 112	Upper case found in data; Found at position(15) SEQID(8)
W 213	Artificial or Unknown found in <213> in SEQ ID (9)

Input Set:

Output Set:

Started: 2007-06-01 16:03:27.786
Finished: 2007-06-01 16:03:29.010
Elapsed: 0 hr(s) 0 min(s) 1 sec(s) 224 ms
Total Warnings: 15
Total Errors: 5
No. of SeqIDs Defined: 10
Actual SeqID Count: 10

Error code	Error Description
W 213	Artificial or Unknown found in <213> in SEQ ID (10)
E 250	Structural Validation Error; Sequence listing may not be indexable

2031251PC.ST25 .txt
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<120> Tumor targeting agents and uses thereof

<130>2031251PC

<150>F1 20021763

<151>2002-10-03

<160>10

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<400> 1

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<223> lactam bridge

<400> 3

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<223> lactam bridge

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Page 2

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<220>
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<223> lactam bridge

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<400> 8

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Page 3

2031251PC.ST25.txt
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<210> 9

<211> 8
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